

JMK:WK/ELM
F. #2017R00321

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

EDWARD E. BOHM,

Defendant.

I N D I C T M E N T

Cr. No. CR 18

(T. 18, U.S.C., §§ 982(a)(2), 982(b)(1),
1343, 1344, 1349, 2 and 3551 et seq.;
T. 21, U.S.C., § 853(p))

AZRACK, J.

----- X

THE GRAND JURY CHARGES:

BROWN, M. J.

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

I. The Defendant and Relevant Entities

1. The defendant EDWARD E. BOHM, a resident of Suffolk County, New York, was the President of Sales and an unnamed minority owner of Vanguard Funding, LLC (“Vanguard”).

2. Vanguard was a New York State limited liability company and a mortgage lender headquartered in Garden City, Nassau County, New York. Vanguard provided residential mortgage products to its clients. Vanguard funded mortgages it issued with money it borrowed from Santander Bank, BankUnited and Northpointe Bank (collectively, “the Banks”).

3. The Banks were “financial institutions” as defined in Title 18, United States Code, Section 20. The deposits of the Banks were insured by the Federal Deposit Insurance Corporation.

II. The Fraudulent Scheme

4. In or about and between August 2015 and March 2017, the defendant EDWARD E. BOHM, together with others, orchestrated a scheme to defraud the Banks by obtaining, and attempting to obtain, loans from the Banks by falsely representing that the money from the loans would be used by Vanguard to fund specified home mortgages.

5. The Banks wired the loan money from accounts located in, among other places, Miami-Dade County, Florida, and Essex County, New Jersey, to an attorney trust account (the “Attorney Trust Account”), in Nassau County, New York, controlled by Co-Conspirator #1, an individual whose identity is known to the Grand Jury.

6. Co-Conspirator #1 thereafter was responsible for: (i) disbursing the loan money on behalf of Vanguard’s clients to pay for the properties purchased with the mortgages and any associated costs and fees; and (ii) processing the legal documents transferring ownership interest in the properties.

7. On multiple occasions, however, at the request of the defendant EDWARD E. BOHM and others, Co-Conspirator #1 did not disburse the money in connection with any real estate transactions. Instead, at the request of BOHM and others, Co-Conspirator #1 fraudulently diverted the loan money from the Attorney Trust Account to a Vanguard bank account.

8. The money diverted to the Vanguard bank account was not used to fund mortgages for Vanguard’s clients, as represented to the Banks. Instead, they were used, among other things: (a) to pay Vanguard executives’ personal expenses and compensation, and (b) to pay off loans Vanguard had previously obtained purportedly to fund other mortgages but, instead, used for improper purposes.

COUNT ONE

(Conspiracy to Commit Wire Fraud and Bank Fraud)

9. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth herein.

10. In or about and between August 2015 and March 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant EDWARD E. BOHM, together with others, did knowingly and intentionally conspire:

(a) to devise a scheme and artifice to defraud the Banks, and to obtain money and property from them by means of materially false and fraudulent pretenses, representations and promises and, for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343; and

(b) to execute a scheme and artifice to defraud the Banks, all financial institutions, and to obtain moneys, funds, credits assets and other property owned by and under the custody and control of those financial institutions, by means of materially false and fraudulent pretenses, representations and promises, contrary to Title 18, United States Code, Section 1344.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

COUNT TWO
(Wire Fraud)

11. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth herein.

12. In or about and between August 2015 and March 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant EDWARD E. BOHM, together with others, did knowingly and intentionally devise a scheme and artifice to defraud the Banks, and to obtain money and property from them by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, transmitted and caused to be transmitted, by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds, to wit: a wire in the amount of \$622,474.49, on or about October 14, 2016, from Santander Bank in Essex County, New Jersey, to the Attorney Trust Account in Nassau County, New York.

(Title 18, United States Code, Sections 1343, 2 and 3551 et seq.)

COUNT THREE
(Bank Fraud)

13. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth herein.

14. In or about and between August 2015 and March 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant EDWARD E. BOHM, together with others, did knowingly and intentionally execute and attempt to execute a scheme and artifice to defraud the Banks, all financial institutions, and to obtain moneys, funds, credits, assets and other property owned by, and under the custody and control of, those financial institutions by means of materially false and fraudulent pretenses, representations and promises.

(Title 18, United States Code, Sections 1344, 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

15. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(2), which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

16. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

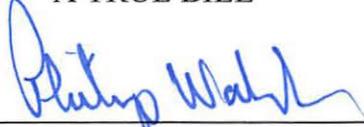
without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other

property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2) and 982(b)(1); Title 21, United States Code, Section 853(p))

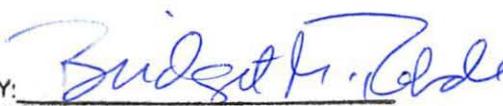
A TRUE BILL



Philip Walsh
FOREPERSON

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY:



Bridget F. Eade
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. O.136

F. # 2017R00321
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT
EASTERN *District of* NEW YORK
CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

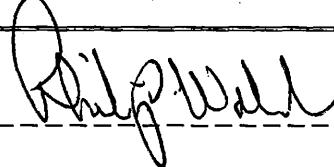
EDWARD E. BOHM,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 982(a)(2), 982(b)(1), 1343, 1344, 1349, 2 and
3551 et seq.; T. 21, U.S.C., § 853(p))

A true bill.



Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

*Whitman G.S. Knapp, Assistant U.S. Attorney (718) 254-6170
Elizabeth Macchiaverna, Assistant U.S. Attorney (718) 254-6351*